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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/362,058	07/28/1999	MASANORI IWASAKI	P99.0922	6363

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EXAMINER

LEE, RICHARD J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/362,058

Applicant(s)

IWASAKI, MASANORI

Examiner

Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The applicant's arguments from the amendment filed May 13, 2005 have been noted, considered, and addressed in the following new grounds of rejections.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreton et al of record (5,835,133) in view of Ishihara et al of record (5,737,084), Kobu et al (JP-60037520), and Suzuki et al (6,437,824).

Moreton et al discloses an optical system for single camera stereo video as shown in Figures 2A, 2B, and 6, and substantially the same three dimensional image capturing apparatus and stereo camera recording/reproducing system (see columns 5-6) as claimed in claims 1, 2, and 5, comprising substantially the same single solid state image sensing device (i.e., 50 of Figure 2A and see column 6, lines 36-62) having a plurality of image capturing regions (i.e., 50a, 50b of Figure 2A), each image capturing region simultaneously captures a different image on the single solid state image sensing device (see column 6, lines 36-62); a plurality of optical systems (see 30a, 30b, 35, 40a, 40b, 45, 110, 210 of Figure 2A) for forming a different image of a subject in each image capturing region, each one of the optical systems corresponding to a different one of the image capturing regions (see column 6, lines 36-62), each optical system having an image side reflection means (i.e., 35 of Figure 2A) located in front of the corresponding image capturing region and directed in an obliquely outward direction; a subject side reflection means (i.e., 30a, 30b of Figure 2A) located outward from the image side reflection means and directed

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in an obliquely inward direction; a lens (i.e., 45 of Figure 2A; 10a, 10b of Figure 1) provided in an optical path between the imaging side reflection means 35 and the single solid state image sensing device 50; wherein the optical systems are used to form, in the corresponding image capturing regions, separate and different images of the subject which are captured from different viewpoints having a distance therebetween (see columns 5-6); and a signal processing means for dividing a video signal from the single solid state image sensing device into video signals representing the different images of the subject captured in the image capturing regions for capturing images of the subject from the different viewpoints (see 50a, 50b of Figure 2A, column 6, lines 36-62, and 70, 72 of Figure 6).

Moreton et al does not particular disclose, though, the followings:

(a) light limiting means providing in an optical path between the imaging side reflection means and the lens, the light limiting means preventing incidence of flux of ambient light other than from rays forming each image of the subject as claimed in claims 1 and 2;

(b) an infrared cut filter provided in an optical path between the lens and the single solid state image sensing device as claimed in claims 1 and 2; and

(c) light shielding means provided normal to the single solid state image sensing device and at least between the single solid state image sensing device and the reflection means so as to prevent optical cross talk between the optical systems as claimed in claims 1 and 2.

Regarding (a), it is noted that Moreton et al does teach the particular use of a diaphragm structure (i.e., light limiting means) as shown in Figure 1 that is used to allow light 5a, 5b to pass through slits 4a, 4b, so that the camera may obtained the desired image rays (see column 1, lines 43-65). Moreton does not particular teach that the light limiting means is provided in an optical

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path between the imaging side reflection means and the lens as claimed. However, Ishihara discloses a three dimension shape measuring apparatus as shown in Figures 5 and 8, and teaches the conventional use of light limiting means (i.e., 12 of Figure 5 and see column 8, line 54 to column 9, line 4) provided in an optical path between the imaging side reflection means (i.e., 21 of Figure 5) and the lens (i.e., 23 of Figure 5), the light limiting means thereby preventing incidence of flux of ambient light other than from rays forming each image of the subject. Therefore, it would have been obvious to one of ordinary skill in the art, having the Moreton et al and Ishihara references in front of him/her and the general knowledge of lenses systems and light limiting means within three dimensional image capturings, would have had no difficulty in providing the light limiting means 12 of Ishihara in an optical path between the imaging side reflection means 35 and the lens 45 of Moreton et al thereby preventing incidence of flux of ambient light other than from rays forming each image of the subject for the same well known use of optical structures for three dimensional capturing of the desired image rays and reduction of light rays from the subject purposes as claimed.

Regarding (b), Suzuki et al discloses an image pickup apparatus as shown in Figure 29, and teaches the conventional use of an infrared cut filter 12 of Figure 29 provided an optical path between the lens 10 and solid state image sensing device 13 so as to exclude the infrared frequency component (see column 2, lines 37-46). Therefore, it would have been obvious to one of ordinary skill in the art, having the Moreton et al and Suzuki et al references in front of him/her and the general knowledge of image filtering techniques, would have had no difficulty in providing the infrared cut filter 12 of Suzuki et al between the lens 45 and solid state image sensing device 50 of Moreton et al for the same well known prevention of the incident angle of

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light entering the sensor from becoming greater around the periphery of the sensor purposes as claimed.

Regarding (c), Kobu et al discloses a stereoscopic video device as shown in Figure 7, and teaches the conventional use of a light shielding means (i.e., 32 of Figure 7) provided normal to the single solid state image sensing device (i.e., 31 of Figure 7) and at least between the single solid state image sensing device and the reflection means (i.e., 30 of Figure 7) so as to prevent optical cross talk between the optical systems. Therefore, it would have been obvious to one of ordinary skill in the art, having the Moreton et al and Kobu et al references in front of him/her and the general knowledge of the prevention of optical cross talks between optical systems, would have had no difficulty in providing the light shielding means 32 of Kobu et al normal to the single solid state image sensing device 50a, 50b of Moreton et al and at least between the single solid state image sensing device 50a, 50b and the reflection means 35 of Moreton et al for the same well known shielding of optical images toward certain image capturing regions and prevention of optical cross talk between optical systems purposes as claimed.

4. Claim 6 is rejected under 35 U.S.C.103(a) as being unpatentable over Moreton et al, Ishihara, Kobu et al, and Suzuki et al as applied to claims 1, 2, and 5 in the above paragraph (3), and further in view of Tabata et al of record (6,177,952).

The combination of Moreton et al, Ishihara, Kobu et al, and Suzuki et al discloses substantially the same three dimensional image capturing apparatus and stereo camera recording/reproducing system as above, but does not particularly disclose, though, wherein parallax which is the distance between the viewpoints is one centimeter or greater as claimed in claim 6. It is noted that Ishihara does teach the conventional use of diaphragms within the

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optical path of an imaging sensor (see 12 of Figure 8), and Tabata et al teaches the general stereoscopic imagings involving parallax caused by the images and from stereoscopic imagings (see column 6, lines 25-30, column 20, lines 8-14, and Figures 13A and 13B). And without specific criticality and though silent within Moreton et al, it is submitted that the parallax generated within Moreton et al in view of the teachings of Tabata et al may obviously be one centimeter or greater as claimed. Therefore, it would have been obvious to one of ordinary skill in the art, having the Moreton et al, Ishihara, Kobu et al, Suzuki et al, and Tabata et al references in front of him/her and the general knowledge of three dimensional imagings, would have had no difficulty recognizing that the images of the subject of Moreton et al results in a parallax effect in view of the parallax teachings of Tabata et al and that such parallax within Moreton et al may obviously be one centimeter or greater if such features were not already a part of Moreton et al for the same well known three dimensional image capturing purposes as claimed.


5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

  
RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl 

7/21/05